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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,771	03/24/1999	MASAHIRO SHIOJI	990306	8875

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EXAMINER

TRAN, NHAN T

ART UNIT PAPER NUMBER

2615

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DATE MAILED: 10/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/274,771

Applicant(s)

SHIOJI, MASAHIRO

Examiner

Nhan T. Tran

Art Unit

2615

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-14.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

**ANDREW CHRISTENSEN****SUPERVISORY PATENT EXAMINER****TECHNOLOGY CENTER 2600**

Continuation of 5. does NOT place the application in condition for allowance because:

With respect to the Applicant's arguments for independent claims 1 & 7 in which the Applicant asserts that the Examiner's suggested combination of Kuba and Kuwamura is unreasonable and improper because Kuba teaches away from Kawamura by the disclosure of the efficiency of retrieval for displaying in col. 22, lines 5-12 (pages 3 & 4) and Kuba does not disclose any embodiment in which different types of images are displayed separately (page 5), the Examiner respectfully disagrees. First, the Examiner would like to point out that both Kuba and Kawamura aim to solve the problem in prior arts wherein the time required to retrieve/display images from a memory in a digital camera is too long (see Kawamura in col. 1, lines 20-29). Kuba and Kawamura provide a common teaching of classification of pick-up image data into groups, i.e., a group(s) of normal or single pick-up image data and a group(s) of continuously pick-up image data (see Kawamura in col. 4, lines 5-10) so that retrieval of image data is faster compared to prior arts. At least for this reason, Kuba and Kawamura have shared the common problem solving over prior arts and clearly combinable to provide an enhanced solution in retrieving and displaying classified image data. Second, because Kuba does not disclose any embodiment in which different types of images are displayed separately, the combination of Kuba and Kawamura is proper since Kuwamura compensates the deficiency in Kuba without escaping the scope of efficiency retrieval of a group of image data for displaying. Therefore, the combination of Kuba and Kuwamura is reasonable and proper.

With respect to the Applicant's arguments for claims 4 and 12 wherein the Applicant asserts that Kuba's general re-arrangement of data does not teach or suggest moving means for extracting image data from one group to another group in the same directory as claimed, the Examiner respectfully submits that Kuba teaches the digital camera having hierarchical image data storage structure for computer compatible image management in which a memory card having file directory structure as same as the file directory structure of a computer (see col. 7, lines 46-62) and Kuba also teaches moving image files from one location to another location in the root directory as shown in Fig. 32 wherein the memory card (31) file allocation is described in Figs. 69 or 88. The teaching of Kuba encompasses any limitations of moving files from any location (i.e., subdirectory for continuous pick-up images) to another location (i.e., root directory for normal or single pick-up images) within the memory card.

With respect to the Applicant's arguments for claims 5 & 12, the Examiner also submits a similar analysis as for claims 4 & 12 for the copying function shown in Figs. 60, 130 & 131, wherein copying one file from one location to another location in the memory card is inherent in Kuba according to such file directory structure.

In view of the above, the Examiner believes that the interpretation of the present claimed invention does, in fact, read on the cited references at least for the reasons discussed above and as stated in the previous Office Action.